

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**ERIC VON DRAKE**  
**Petitioner**

§  
§  
§ **Civil Action No. 3:08-MC-064-O**  
§ **ECF**  
§

**FINDINGS OF THE COURT**

After making an independent review of the pleadings, files and records in this case, and of the Findings, Conclusions and Recommendation of the United States Magistrate Judge, I am of the opinion that the Findings, Conclusions and Recommendation of the Magistrate Judge are correct and they are hereby adopted and incorporated by reference as the Findings of the Court.

IT IS THEREFORE ORDERED that the petition to perpetuate testimony is hereby  
DENIED.

The clerk of court shall transmit copies of this order to petitioner.

SO ORDERED this 2<sup>nd</sup> day of December, 2008.

  
**Reed O'Connor**  
**UNITED STATES DISTRICT JUDGE**